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| 09/359,562      | 07/22/1999  | DONALD F. GORDON     | 533/006             | 2979             |

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EXAMINER

SAX, STEVEN PAUL

ART UNIT PAPER NUMBER

2174

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/359562

Applicant(s)

Gordon

Examiner

Sax

Group Art Unit

2174

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

3-

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 6/02
- ☒ This action is FINAL.
- ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-33 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-33 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number)
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received:

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s).
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other

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### DETAILED ACTION

1. This application has been examined. Please renumber the claims: there is no claim 27.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-5, 8-16, 20-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Schein et al (6263501).
4. Regarding claims 1-2, see: the abstract, Figure 16A-B, Figure 20A-C, column 2 lines 20-60. Note the program guide for an interactive information distribution system. The guide has a video layer and a graphics layer which provides emphasis and de-emphasis of objects in the video layer (for example elements 528, 526 in Figure 20B and 530 in Figure 16B). Note that the video layer has a video and graphical region.

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5. Regarding claim 3, see again Figure 16B and note that the guide is generated in a central location of the system.
6. Regarding claim 4, see column 6 lines 50-55. Audio is included.
7. Regarding claim 5, see Figures 16A-B again. The region displays a list of program titles.
8. Regarding claim 8, the layers are contained in an appet (column 2 lines 63-68).
9. Regarding claims 9-15, see Figures 20A-20C, column 21 lines 1-32 (especially lines 24-26), column 22 lines 22-60. The viewer controls the identity of the emphasized object. The object is selectable and highlighted. The graphics layer emphasizes and de-emphasizes selected objects. The graphics layer is stored or transmitted to a user.
10. Regarding claims 16, 20-26, 33, these show many features stated above. The guide is transmitred via a bitstream. (Column 6 lines 49-60). In addition, a new context or layout may be emphasized. (Column 17 lines 30-45). This may be a preview or advertisement, or different guide, wherein audio may be common. (See column 22 lines 45-68 and 22-30) Note that a digital channel is emphasized.

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11. Regarding claims 27-32, in addition to the aforementioned, the identification functions may be internal locally at the user (see paragraph 9). An object may be selected to go from broadcast to pointcast mode and back to broadcast when the pointcast ends. (See column 6 line 68 - column 7 line 31)

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 6-7, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al (6263501) in view of Blonstein et al (6016144).

14. Regarding claims 6-7 and 17-19, Schein et al do not specifically show the masking and revealing an object, but do show changing the opacity and emphasis of an object for more focus and less distraction on the program guide display. Blonstein et al do show masking and revealing an object in a program guide display. See in Blonstein et al: the abstract, Figures 7-8, column 2 lines 45-68, column 3 lines 1-12. (Note that the mask/reveal overlay is extracted in a bitstream and updated.) This is done for more focus and less distraction on the program guide display. It would have been obvious to a person with ordinary skill in the art to have masking and revealing,

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because it would allow a convenient way for more focus and less distraction in a program guide display.

15. Applicant's arguments filed have been fully considered but they are not persuasive. The graphic layers and video layers in fact are overlaid (see Figure 17B for example). The video image may be emphasized or deemphasized based on whether it is in the forefront. Applicant discusses whether Schein shows specific modifications to the video imagery, but note that anything beyond what Schein may show needs to be brought out in the claims to be considered. Also, applicants discuss Blonstein with regards to the layering and emphasis features, but note that this is shown in Schein as discussed above. Also, the masking and revealing is discussed in Blonstein as shown in paragraph 14 of this Action.

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication should be directed to Steve Sax at telephone number (703) 305-9582.

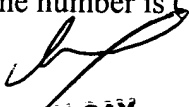
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Sax whose telephone number is (703) 305-9582. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

|                |   |
|----------------|---|
| (703) 746-7238 | After Final Communication                 |
| (703) 746-7239 | Official Communication                    |
| (703) 746-7420 | For Status Inquiries, draft communication |

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
**STEVEN SAX**  
**PRIMARY EXAMINER**